

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

JOSE MARTINEZ, JR.,

Plaintiff,

vs.

**CORRECTIONAL HEALTH
PARTNERS, et al.,**

Defendants.

CV 19-93-BLG-SPW

**ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND
RECOMMENDATIONS**

The United States Magistrate Judge filed Findings and Recommendations on April 23, 2020. (Doc. 8.) The Magistrate recommended dismissing C.O. Miller as a Defendant. (*Id.* at 1–2.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendations. Federal Rule of Civil Procedure 6(d) extends that period by 3 days when a party is served by mail. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite

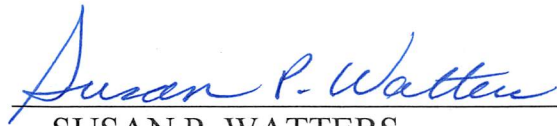
and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After reviewing the Findings and Recommendations, this Court does not find that the Magistrate committed clear error. Plaintiff did not name C.O. Miller as a Defendant or raise any allegations against him in Plaintiff’s Amended Complaint. Accordingly,

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 8) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that C.O. Miller is **DISMISSED** as a Defendant in this action.

DATED this 15th day of June, 2020.



SUSAN P. WATTERS
United States District Judge